



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

CHARTER REVISION COMMISSION (as amended)

June 26, 2008

I CALL TO ORDER

Commissioner Bafundo called the meeting to order at 6:32 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Nancy Bafundo - Chair
Tony Boni
Peter Boorman
Robert Briggaman
Alan Nafis

Also Present

Mayor Jeff Wright
Tanya Lane – Town Clerk
Various Town department heads, staff and committee members as indicated below

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane: Mrs. Cohen spoke in regards to Phil Block's (Chair, Conservation Commission) comments at the June 12, 2008 meeting. She stated that both State Statutes and the Town Charter refer to the role of the Conservation Commission as advising and making recommendations regarding the development and conservation of natural resources including water resources. She noted however, that Town ordinance designates the Conservation Commission as the agency responsible for wetlands and water courses and makes no reference to the development and conservation of natural resources. She stated that the problem is not in the Charter; it should be addressed in the ordinance. Mrs. Cohen commented that Mr. Block is looking for a process in which the Conservation Commission would be made aware of any proposals that involve properties that would be of concern to the Conservation Commission so they would have an opportunity to make a recommendation if necessary. She stated that the Conservation Commission could develop a town-wide inventory of areas where preservation is a concern or create a map similar to the wetlands map to refer to the TPZ and require the TPZ to ~~go before~~ notify the Conservation Commission for its recommendations for any project that falls in the area of the Conservation Commission's inventory or map. She stated that in ~~addition~~ the meantime the TPZ should send all of its agendas to the Conservation Commission so that they will be aware of projects going before the TPZ. Mrs. Cohen stated that the issue should be referred to the Town Manager, and should not be of concern to the Charter.

V MINUTES

A Regular Meeting, 6/26/08

Commissioner Boni moved to accept the minutes of the Regular Meeting, 6/12/08. Motion seconded by Commissioner Briggaman. Motion passed 4-0 (Commissioner Bafundo abstained)

VI MATTERS TO BE CONSIDERED

Note: Actual order and roster of speakers varied from the agenda due to speaker availability.

A Tom Molloy, Highway Superintendent

Commissioner Bafundo noted that Mr. Malloy sent a memo to the Commission, the Town Manager and the Town Clerk stating that he does not have any recommended amendments to the Charter and, therefore, did not have a need to attend the meeting.

B Ken Freidenberg, Director of Human Services

Mr. Freidenberg stated that he had one minor recommendation to Charter section 705 – Department of Human Services. He submitted the suggested changes to the section as follows. (Recommended changes are in **bold**):

The Department of Human Services shall administer **and coordinate** all forms of public assistance, **social and youth services**, except those which the Town Council determines shall be administered by other Commissions.

He stated that the Human Services Department was originally set up in the 1950's to provide public assistance, prior to the State taking over general assistance programs. He stated that while Human Services still provides and coordinates public assistance it also provides social and youth services, something that has changed over the years. He requested that the Charter reflect these changes.

Commissioner Bafundo stated that Mr. Freidenberg's recommended amendments identify and succinctly summarize the Department and what it does for the Town.

C Mitch Page – Chair, Joint Committee on Community Safety

Mr. Page requested that the Commission considers making the Joint Committee on Community Safety a permanent Committee in the Charter. He requested that the Committee become a permanent Committee as it currently operates. He noted that the Town Council recently (at its June 24, 2008 meeting) debated a proposed ordinance that as currently written would create a new and different Committee that would not be a Joint Committee on Community Safety. He stated that the proposed Committee would not have full voting members from the Town Council, Board of Education or Youth/Adult Council; as proposed, members from those organizations would only serve as non-voting liaisons. He noted that the proposed Committee would be required to meet only once per year, although the proposed ordinance does state that the Committee can meet more frequently. Mr. Page remarked that it would be prudent to require a more regular meeting schedule. He stated that safety issues in Town require that all stakeholders from the Police Department, Human Services Department, school system, youth groups and the Town Council come together on a regular basis to hear from the citizens in an informal setting to express their concerns. He stated that the Committee has learned that the residents and Town leaders need a place to meet regularly to define problems and come up with solutions. He noted that historically disparate Town departments and political parties do not always work together seamlessly as is required to deal with town-wide safety and quality of life issues and stated that the current Committee has proven that it can bring together all stakeholders to work together in bi-partisan fashion to solve problems. Mr. Page urged the Commission to support the concept of a true Joint Committee on Community Safety as a permanent unified force in Town to make our community an even better place for our children.

Commissioner Boni inquired whether the Committee should be set up by ordinance or under the Charter. Mr. Page replied that the Town Council is currently working on the ordinance and explained his understanding that once the ordinance is put in place the Committee can be added to the Charter. Commissioner Boorman

requested legal counsel's opinion on the matter, stating that he does not believe that it is an accurate representation of how to include the Committee in the Charter. He asked Mr. Page why he believed that it would be appropriate to include a provision for the Committee in the Charter and requested suggested Charter language in regards to the Committee. Commissioner Boorman also requested to see the proposed ordinance currently under Town Council consideration regarding the Committee. Mr. Page replied that it is his understanding that the various Town departments each have their own leadership, structure, budgets, missions, etc. and all do a fine job. He stated that a key element of success in solving safety and quality of life issues is when all of the individual groups and departments have a forum in which they can have true representation and discuss issues, make recommendations and vote on issues. Mr. Page stated that a liaison role would not be as directly involved in the work of the Committee. He stated that the Committee needs to be proactive in meeting regularly rather than being reactive and needs to be a collaborative effort in the community. He stated that he would like the Charter language to reflect the regular nature of the Committee's meetings and also the full participation of the various groups. Commissioner Boorman inquired whether Mr. Page has the language from the Town Council that set up the current Committee. Mr. Page replied that the language is loose and needs to be tightened up, but does define in terms of the membership: three Town Council members, two Board of Education members and one member from the Youth/Adult Council, as well as five citizens. He noted that the proposed ordinance calls for seven citizens to serve as voting members with liaisons from the Town Council, Board of Education and Youth/Adult Council. He requested that there be at least one sitting member from the Council, Board of Education and Youth/Adult Council as doing so will make the Committee more substantive while allowing the public to participate in a more informal setting. Commissioner Boorman inquired whether Mr. Page has any recommended language that would act as an enabling clause in the Charter. Mr. Page stated that he would need to consult with someone knowledgeable about how to write the exact language. Commissioner Boorman requested that Mr. Page meet with other Safety Committee members to draft suggested language and submit the suggested language to the Charter Commission for consideration. He inquired whether Mr. Page feels that an ordinance would not be sufficient, therefore making it necessary to have the language in the Charter. Mr. Page replied that while an ordinance may be sufficient, having it in the Charter would be more solid and give the Committee a more permanent position.

Commissioner Bafundo recommended that Mr. Page review Charter sections 600-603, which lists various boards and commissions to get an idea of the language. She concurred that it would be helpful for the Safety Committee to submit suggested Charter language to the Commission for consideration.

D Monica Golec, Vice Chair, Human Rights Commission

Ms. Golec stated that she does not have any recommended amendments to the Charter and offered to answer the Commissioners' questions regarding the Human Rights Commission.

Commissioner Boni noted that the Human Rights Commission falls under an ordinance rather than the Charter. He inquired about the Commission's purpose. Ms. Golec replied that the Human Rights Commission's purpose is to educate the community on issues such as bullying, racial issues, and sexual harassment. She stated that the Human Rights Commission also approves funding to support school events and programs such as anti-bullying programs and participates in the Memorial Day parade and the WaterFall Festival. Commissioner Briggaman inquired about the procedure when an incident is brought to the attention of the Commission. Ms. Golec replied that the only incident that she has been involved with during her time on the Commission occurred several years ago when a person felt they were being racially discriminated against by a local business. She stated that a complaint would go to the Town Attorney who then contacts Ken Freidenberg and the Commission. She noted that the Commission did meet to go over this specific case; however the case was withdrawn before any action was taken. Commissioner Bafundo stated that the Commission provides public education and awareness. Ms. Golec concurred.

E Ed Meehan, Town Planner and Cathy Hall, Chair, Town Plan and Zoning Commission

Mr. Meehan stated that he is speaking for the Zoning Board of Appeals (ZBA), the Zoning Enforcement Officer and the Town Planner position.

ZBA

He stated that there are no recommended amendments to the Charter in regards to the ZBA, which is regulated by State Statues.

Zoning Enforcement Officer

Mr. Meehan noted conflicts in the Charter language as well as in practice regarding the Zoning Enforcement Officer. He submitted a memo containing suggested amendments to Charter Section 704 which would clarify who wears the Zoning Enforcement Officer hat and who the position reports to in order to prevent conflict in the event of an appeal. He stated that the Building Inspector is also designated as the Zoning Enforcement Officer under the current Charter. He noted that his recommendations could be found in Article III, Section II of his memo to the Commission and the Town Manager.

Town Planner

Mr. Meehan stated that under the current Charter the Town Planner is appointed by the Town Council, not the Town Manager as is standard practice in many other communities. He stated that his memo suggests that the Charter language be changed to bring the appointment of the Town Planner under the Town Manager. He also recommended that the Charter further clarify the duties of Department of Town Planning and Development as being under the auspices of the Town Manager. Mr. Meehan also noted that the current organizational chart calls for the Director of Community Planning and Development to oversee the Town Engineer, which is not in the Charter. He stated that he is uncertain whether or not this is appropriate. Mr. Meehan also suggested that the Charter language be amended to make the distinction between the Highway Department and Engineering Department, as they are currently both rolled into Charter Section 702.

Commissioner Nafis noted that the Town Engineer is currently under the direction of the Director of the Community Planning and Development department and inquired whether Mr. Meehan suggests that the Charter reflect that arrangement. Mr. Meehan replied in the negative and stated that the Town Engineer should not be under the direction of the Community Planning and Development department as is the current arrangement. He noted the organizational chart which specifies the placement of the various departments.

TPZ

Mrs. Hall stated that she has been on the TPZ since December. She recommended that the TPZ have the ability to obtain legal representation that is strictly for land use. She stated that she is unsure whether or not this needs to be specified in the Charter. Commissioner Boorman inquired whether Mrs. Hall is suggesting a mandate in the Charter that there be a land attorney available to the TPZ. Mrs. Hall replied in the affirmative and explained that there are times when it would be necessary to have an attorney dealing strictly with land use and remarked that it is unfair to ask one attorney to be a jack-of-all-trades and to ask an attorney to render an opinion in an area in which he or she may not be familiar. She stated that both sides would benefit from this change. Mayor Wright stated that the Town currently has an appointed Town Attorney as well as a Labor Attorney and inquired whether Mrs. Hall is suggesting something similar. Mrs. Hall replied in the affirmative. Mayor Wright inquired whether the current Charter contains a provision for a labor attorney. Commissioner Boorman replied in the negative. He elaborated that in previous Town Attorney administrations, including his own, the Town Attorney has been the focal point of all legal issues that come through the Town, either at the direction of the Town Manager or other department heads. He stated that in the past, the opinions of legal experts for specific situations were obtained as needed, including incidences involving the TPZ. Commissioner Boorman explained that the Town's current situation with appointing a Labor Attorney came about at the recommendation of the Town Manager. Commissioner Bafundo inquired whether there is language in the current Charter that allows for that. Commissioner Boorman replied that there is language that allows the Mayor to make an appointment of the Town Attorney as well as any such ~~assistance~~ assistants as required. Commissioner Bafundo inquired whether Charter language that references *any technical or consultant doesn't adhere to any legal*. Commissioner Boorman replied that the language can be interpreted in more than one way and historically has been interpreted in more than one way.

Commissioner Briggaman noted that Mr. Block, Conservation Commission Chair, had expressed concerns to the Charter Commission that the Conservation Commission is out of the loop in regards to certain town projects. Mr. Meehan replied that he had met with the Conservation Commission in May to discuss the situation. He stated that the Conservation Commission wears two hats, one of which being the environmental agency to the Town, but that role is often set aside due to the Commission's wetlands role. He stated that he is working with the Town Engineer *to allow the Wetland Commission's input and actual report before Planning and Zoning can act on an application*. He noted that his understanding is that the Conservation Commission is requesting that all applications are submitted to the Commission for review and stated belief that *that is not permitted in the Statutes* (comment not clear on the tape) and stated that the Town Engineer and the Chair of the Conservation

Commission do receive a copy of the TPZ's agenda. Mr. Meehan remarked that to require a review of a non-wetland applications could cause delays in the land use decision making process. He noted Mrs. Cohen's suggestions during public participation for the Commission to utilize an open space map or open space strategy and stated that communication in that area is important and should be required. Commissioner Boorman noted that the Charter Commission had requested that Mr. Block and the Town Engineer meet with the Town Planner to discuss the concept of project referrals to the Conservation Commission and to report back to the Charter Commission. He also stated that he would be interested in department administrators' input on the issue.

Commissioner Bafundo inquired whether Mrs. Hall has any additional suggestions. Mrs. Hall replied in the negative, and commented that she believes that the TPZ runs very well. Mr. Meehan commented that as he can recall the TPZ has never missed a quorum and noted that the TPZ alternates regularly attend and participate in meetings in order to keep up with the issues in the event they are called upon to serve.

F Tim Manke, Chair, Youth/Adult Council

Mr. Manke stated that the Youth/Adult Council was established in 1990 by ordinance in order for the Town to fall in line with State regulations. He stated that the Youth/Adult Council consists of citizens, parents, students, school administrators, police officers, Human Services staff and liaisons from the Town Council and Board of Education. He stated that the Youth/Adult Council's main goal is to focus on youth issues in Newington and to review and recommend programs that affect youth and to work with the Human Services Department to review and make recommendations to programs. He stated that the Council also serves as the local prevention council and utilizes grant funds to provide anti-substance abuse programs. He stated that the Council sponsors an annual basketball game, the proceeds of which are used to fund scholarships for NHS seniors and also holds Town forums against drinking and bullying and sponsors a local access television show dealing with youth issues. He stated that the Council uses grant money to sponsor speakers at the middle and high school level and supports the SADD (Students Against Destructive Decisions) program at NHS.

Commissioner Briggaman inquired as to how often the Council runs programs or sponsors speakers at the high school. Mr. Manke replied that the Council generally arranges for programs at the high school during prom season. He noted that the Council sponsored a mock car accident for students last year, and remarked that the Council must use its limited funds carefully. He stated that most of the Council's efforts have been at the middle school level and noted that the Council has brought in anti-drug, anti-substance abuse and anti-bullying speakers to the middle schools for students and parents. He stated that the Council focuses on the middle schools because it is easier to change the younger students' opinions. Commissioner Briggaman asked whether the programs at the middle schools are mandatory for students to attend. Mr. Manke replied that the programs are held during the school day, so all students in attendance at school those days will attend the programs.

Mayor Wright inquired whether Mr. Manke has any suggestions regarding the Charter. Mr. Manke replied in the negative and noted that the Council is established under ordinance rather than the Charter. He stated that it is a worthwhile organization that gets youth talking about the issues.

Commissioner Boni inquired whether the Youth/Adult Council is part of the Department of Human Services. Mr. Manke replied that the Council works closely with the Human Services Department and looks at programs for youth in a behavioral sense rather than in a sports or recreations sense.

G Attorney Justin Clark, Technology Presentation

Attorney Clark gave an overview of how the Charter language will be tracked through various drafts and changes. He stated that he had hoped to make an actual technology presentation but due to a lack of software licenses he could not load the program onto a laptop computer for the presentation. Commissioner Bafundo requested that the technical presentation be made at the next meeting if possible. She noted that the Commission has met with all scheduled speakers, at least for the time being, and is at a point where it is ready to tackle the document.

Attorney Clark stated that it will be imperative to keep track of changes as they are made. He gave an overview of the process put in place for tracking changes to the Charter:

- Scan a copy of the Charter into Microsoft Word.

- Send each Commissioner an electronic copy of the original Charter via email for personal reference and use.
- The original scanned document will serve as a control document for any changes made to the Charter and will remain unedited on the Attorney's server.
- Any changes made to the Charter will be made in a separate Microsoft Word document. A program called Delta View will be used to compare the amended document to the original document and will produce a report of the changes. He stated that rather than making changes in the same document the changes will be made in a separate document, and there will be no changes made to the original control document. The reports will be printed in color and can be emailed out in a fashion in which the reports cannot be edited.
- Anytime a change is made, the new document will be saved as is, and cumulative changes will be made by comparing multiple documents. Delta View allows for comparison between the different documents. The changes will be archived and every document will be saved as a new version.
- It is a clean and easy way to track every change, and reports will be clearly dated and named. It will be easy to learn the system once it starts.

Commissioner Briggaman inquired whether previous copies of draft changes sent to the Commission were produced using Delta View. Attorney Clark replied in the affirmative. Commissioner Briggaman commented that he found the document to be confusing. Commissioner Boorman concurred and stated that he had a hard time following the document's key. He stated his understanding that each Commissioner will receive an electronic version of the Charter exactly as it currently exists and after that the Commissioners will receive updates as it moves along with language amendments. He requested that when the Commission begins making amendments that Attorney Clark walk the Commission through the key at that point; Attorney Clark concurred. Commissioner Briggaman inquired as to why the Charter was scanned into Word rather than downloaded. Attorney Clark replied that using the scanner is often easier because it takes a paper document, loads the images, converts the images to data and dumps the data into a Word document. He noted a conversation with the Town Clerk in which they discussed that it was difficult to get a good electronic version of the document. Ms. Lane noted that there is an online version of the Charter on the Town's website. Commissioner Boorman inquired whether the Commissioners will receive an electronic copy of the existing Charter by the next meeting. Attorney Clark replied in the affirmative, and requested that any Commissioners who wish to receive the document via an email address other than their Town email address see him after the meeting. Commissioner Bafundo requested to have a working laptop and a projector available at the next meeting in order to project the work as it is in progress and also to benefit the members of the public watching the meeting.

Mayor Wright inquired whether there is a cumulative list of recommendations up to this point. Attorney Clark replied that he has kept track of recommendations, some of which are conceptual and some specific. He stated that he has all of the previous meeting minutes and correspondence. Commissioner Boorman commented that there is no master list at this point, but the Commissioners have all kept notes throughout the processes. He stated that the meeting minutes have also been very thorough.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Boorman inquired whether the list of desired speakers, prepared early in the process, has been completed and everyone on the list has been invited to speak and has had the opportunity to provide input to the Commission. Ms. Lane replied in the affirmative.

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Commissioner Boni read the following communication from the public:

June 3, 2008

To: The Chairperson of the Charter Commission

Dear Mrs. Bafundo:

I would like to have this letter read into the public participation minutes of the meeting as I am unable to attend, being out of state. Under Proposition 2.5 in Dennis MA, the town officials or the public

can have a referendum either overriding 2.5%, reducing spending or raising spending. My personal experience with the above has been very positive. It gives, especially to citizens, a greater voice in the budget process. This hasn't been Newington's citizens' experience to date. As an additional point of information the taxes in the Town of Dennis are the lowest on Cape Cod, including the building of a new nine million dollar police facility. I would like to some kind of referendum added to this Charter revision.

Sincerely,
Robert C. Schatz, Business Owner
239 Maple Hill Avenue
Newington, CT 06111

IX PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive: Ms. Lyons urged the Commission to take Mr. Page's requests that the Joint Committee on Community Safety be made a permanent Committee into consideration. She stated that she has attended the Safety Committee's meetings on a regular basis since September and in addition she has attended several other Town meetings in pursuit of trying to clean up the New Meadow pathway, including meetings of the Conservation Commission, Parks and Recreation, Board of Education, Town Council, neighborhood meetings with the Police Department, and Walkable Newington meetings and of all the meetings she has attended she has found that it is the Safety Committee that gets the work done. Ms. Lyons commented that the permanent Safety Committee should remain as-is and not have new members appointed as the current members are a dedicated group of individuals with expertise in various areas that work together as a non-partisan team. She stated that the public feels very comfortable in attending and participating in the meetings as they are much more informal than meetings of other organizations and there are no personal agendas by any Committee members other than to improve safety in the Town.

X COMMENTS BY COMMISSIONERS

Commissioner Briggaman thanked the meeting's attendees for their contributions.

XI ADJOURNMENT

Commissioner Boni moved to adjourn the meeting at 7:38pm. Motion seconded by Commissioner Briggaman. Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission